

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Ricky Williams, aka)
Williams and Bradshaw,)
Plaintiff,) Civil Action No. 6:06-3465-HFF-WMC
vs.)
Joseph T. Henson, State Farm)
Insurance Company, Master Mark)
Construction, Mark McKinney, Pamela)
Williams, Steve Michaels, Stock)
Builders Supply, Steve Doe of Stock)
Builders Supply, Robert "Bob" Doe of)
Stock Builders Supply, Victoria Barnett,)
Brown and Babb, P.C., Spartanburg)
Forest Supply, Sandy Macilwinen and)
Scott Casey,)
Defendants.)

ORDER

This matter is before the court on the plaintiff's motion to compel discovery from defendant Joseph Hinson (doc. 68). In his complaint, the plaintiff, a state prisoner proceeding *pro se*, alleges causes of action for violation of the Racketeer Influenced and Corrupt Organizations statute ("RICO") (18 U.S.C. § 1961 *et seq.*), mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), bank fraud (18 U.S.C. § 1344), common law fraud, civil conspiracy (18 U.S.C. § 371), and slander. The claims arise from the finance, construction, and sale of the plaintiff's properties in Greenville County.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(e) D.S.C., all pretrial matters in cases involving *pro se* litigants are referred to a United States Magistrate Judge for consideration.

The plaintiff is an inmate currently incarcerated at Northside Correctional Institute in Spartanburg, South Carolina, serving a three-year sentence for preparation of a fraudulent tax return. The plaintiff alleges in his complaint, *inter alia*, that defendant Joseph T. Hinson, a residential builder, and defendants Master's Mark Construction ("Master's Mark") and Mark McKinney, contractors, obtained lumber and other materials from defendants Stock Building Supply, Inc., and Spartanburg Forest Products for use in the construction of the plaintiff's home. The plaintiff claims that the lumber and materials were diverted to other projects of Hinson and Master's Mark without his consent. In a report filed May 10, 2007, this court recommended that defendants Mark McKinney, Spartanburg Forest Products, Steve Michaels, Sandy MacIlwinen, Scott Casey, Robert Doe, Steve Doe, Stock Building Supply, Inc., Victoria Barnett, Brown and Babb, P.C., and State Farm Insurance Company be dismissed from the case.

In his motion, the plaintiff requests that the court compel defendant Hinson to comply with discovery requests seeking the following: (1) Bank of America checking account information for the period July through May 2005 and 2006 reflecting to whom checks were written after deposits were made; (2) the payee of each check so written and for what purpose it was written; (3) statements of other accounts in which monies paid for Lots 1 and 2 were deposited; (4) copies of checks received from defendant Williams and/or the plaintiff; and (5) copies of draw checks signed by defendant Williams from Stock Building Supply, Inc., from January 18, 2006, through June 1, 2006.

On May 25, 2007, Hinson's attorney notified the court that Hinson has fully complied with the plaintiff's motion to compel. Based upon the foregoing, the motion to compel is denied as to defendant Hinson.

The plaintiff also requests that the court compel defendant Stock Building Supply, Inc., to comply with certain discovery requests. By report filed May 10, 2007, this court recommended that Stock Building Supply, Inc., be dismissed as a defendant in this

action pursuant to Federal Rule of Civil Procedure 12(b)(5). Accordingly, the motion to compel as to Stock Building Supply, Inc., will be held in abeyance pending the district court's disposition of the motion to dismiss. Should the district judge adopt this court's recommendation, the motion will be rendered moot.

Wherefore, based upon the foregoing, the plaintiff's motion to compel is denied as to defendant Hinson and held in abeyance as to defendant Stock Building Supply, Inc.

IT IS SO ORDERED.

s/William M. Catoe
United States Magistrate Judge

May 31, 2007

Greenville, South Carolina